

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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KOOK HWAN CHO,

Plaintiff,

-against-

CHRIS KALLIAGAS,

Defendant.

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NICHOLAS G. GARAUFIS, United States District Judge.

MEMORANDUM & ORDER
04-CV-3371 (NGG) (SMG)

On March 14, 2008, Magistrate Judge Steven M. Gold issued a Report and Recommendation recommending that Plaintiff Kook Hwan Cho's motion for summary judgment be denied and that this action be dismissed for lack of subject-matter jurisdiction. (Docket Entry # 43.) Judge Gold advised the parties that "[a]ny objections to this Report and Recommendation must be filed within ten days of this Report and in any event no later than March 28, 2008. Failure to file objections within the specified time may waive the right to appeal the District Court's order."

Cho has now filed with the court a letter purporting to object to Judge Gold's Report and Recommendation, referring the court to Cho's previous submissions and "respectfully request[ing] that the Court consider those papers and overrule the Magistrate's Report and Recommendation." (Docket Entry # 44.)

Under Fed. R. Civ. P. 72(b), a party may object to a magistrate judge's report and recommendation by serving and filing "specific written objections." An objection to a report and recommendation in its entirety, like Cho's letter, does not constitute a specific written objection within the meaning of Fed. R. Civ. P. 72(b). Mario v. P & C Food Mkts., Inc., 313 F.3d 758, 766

(2d Cir. 2002) (“This bare statement, devoid of any reference to specific findings or recommendations to which he objected and why, and unsupported by legal authority, was not sufficient to preserve the Title VII claim. Merely referring the court to previously filed papers or arguments does not constitute an adequate objection under . . . Fed. R. Civ. P. 72(b).”).

Where a party receives clear notice of the consequences, as did Cho, “failure timely to object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.”¹ Id.

The court therefore adopts Judge Gold’s Report and Recommendation in its entirety. Cho’s motion for summary judgment is DENIED and this action is DISMISSED for lack of subject-matter jurisdiction.

SO ORDERED.

Dated: April 1, 2008
Brooklyn, N.Y.

s/Nicholas G. Garaufis

NICHOLAS G. GARAUFIS
United States District Judge

¹ Out of an abundance of caution, the court has reviewed the Report and Recommendation, and finds it thorough, well-reasoned, and well-founded in applicable law. See Urena v. New York, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (where no timely objection has been made, the “court need only satisfy itself that there is no clear error on the face of the record”).